



Local Rule 1007-1 Lists, Schedules, Statements, and Certifications (2013)

(a) Petitions, Schedules, Statements, and Plans.

(1) Procedures for Dismissal of Chapter 7, 11, or 12 Cases for Failure to Timely File Certain Papers. If a debtor does not timely file certain papers identified in subsections A, B, and C below, the case will be dismissed using the following procedure unless otherwise recommended by the United States trustee or case trustee or unless otherwise ordered by the court. The United States trustee or case trustee must file a Section 341 Meeting Report (Report) indicating the failure to comply and serve it on the debtor and debtors attorney. If the Report contains a recommendation that the case not be dismissed, the case shall not be dismissed and administration of the case shall continue without prejudice to any motion to dismiss filed by a party in interest. If the Report does not contain a recommendation that the case not be dismissed and if an objection to dismissal is not filed within 21 days after the Report is mailed, the clerk must enter an order dismissing the case. If an objection is timely filed, the dismissal is stayed. The objecting party must set a hearing and give notice to parties in interest as provided in [Fed. R. Bankr. P. 2002\(a\)](#) [1]. Unless the court orders otherwise, the clerk must enter an order dismissing the case if a hearing on the objection is not held within 40 days after the objection is filed.

(A) Voluntary Case in Which the Debtor is Not an Individual. The court may dismiss a voluntary case in which the debtor is not an individual, except a case that has been converted from a chapter 11 case to a chapter 7 case, if the debtor fails to file a list of creditors names and addresses under [Local Rule 1007-1](#) [2], a list of equity security holders, or documents required by [§ 521\(a\)\(1\)](#) [3] or [§ 1116\(1\)](#) [4], within the time provided by [Fed. R. Bankr. P. 1007](#) [5] or any extension granted under [§ 1116\(3\)](#) [4].

(B) Voluntary Chapter 11 or 12 Case in Which the Debtor is an Individual. The court may dismiss a voluntary case if the debtor fails to file a list of creditors names and addresses under [Local Rule 1007-1](#) [2], or documents required by [§ 521\(a\)\(1\)](#) [3] or [§ 1116\(1\)](#) [4], within the time provided by [Fed. R. Bankr. P. 1007](#) [5] or within any extension granted under [§ 1116\(3\)](#) [4].

(C) Voluntary Chapter 7 Case in Which the Debtor is an Individual. The court may dismiss a voluntary case, except a case that has been converted from a chapter 11 case to a chapter 7 case, if the debtor fails to file a list of creditors names and addresses under [Local Rule 1007-1](#) [2], or documents required by [§ 521\(a\)\(1\)](#) [3] and [Fed. R. Bank. P. 1007\(b\)\(1\)](#) [5] within the time provided by [Fed. R. Bankr. P. 1007](#) [5]. However, nothing in this Rule shall alter the provisions for automatic dismissal of this case under [§ 521\(i\)](#) [3].

(2) Procedure for Dismissal of a Case under Chapter 13 for Failure to Timely File Certain Papers. The court may dismiss a case, except a case that has been converted from a chapter 7 case to a chapter 13 case, if the debtor fails to file a list of creditors names and addresses under [Local Rule 1007-1](#) [2], or documents required by [§ 521\(a\)\(1\)](#) [3] and [Fed. R. Bankr. P. 1007\(b\)\(1\)](#) [5] within the time required by [Fed. R. Bankr. P. 1007\(c\)](#) [5], or a chapter 13 plan within the time provided by [Fed. R. Bankr. P. 1007](#) [5] and [3015](#) [6]. The procedures for dismissal on these grounds are set forth in [Local Rule 2083-1\(f\)](#) [7]. However, nothing in this rule or in [Local Rule 2083-1\(f\)](#) [7] shall alter the provisions for automatic dismissal of the case under [§ 521\(i\)](#) [3].

(b) **List of Creditors and Equity Security Holders.** The debtor may file with the petition, but must file no later than 2 days thereafter, the list required under [Fed. R. Bankr. P. 1007\(a\)\(1\)](#) [5] in a form designated by the clerk and, if applicable, an additional list of creditors holding claims under [§ 507\(a\)\(1\)\(A\)](#) [8] and [\(B\)](#) [8], and a list of equity security holders, in the manner prescribed by the clerks office. If the debtor files a list of creditors holding claims under [§ 507\(a\)\(1\)\(A\)](#) [8] and [\(B\)](#) [8], the



clerk may provide the notice specified in [§ 704\(c\)\(1\)\(A\)](#) [9] and [\(B\)](#) [9] at least 20 days prior to the meeting of creditors [under 341](#) [10]. The clerk may mail the notice provided by the trustee as specified in [704\(c\)\(1\)\(C\)](#) [9] within 21 days after the debtor is granted a discharge under [§ 727](#) [11].

(c) **Filing of Documents Following Conversion.** Lists, schedules, statements, and other documents filed prior to conversion of a case to another chapter shall be deemed filed in the converted case; however, within 21 days after the entry of an order converting the case, the debtor shall file either: (i) a declaration under penalty of perjury that there have been no material changes to the lists, schedules, statements, and other documents filed prior to conversion, or (ii) amended lists, schedules, statements, and other documents reflecting such changes.

(d) **Section 109(h) Compliance.**

(1) **Section 109 (h) Certification.** If the debtor fails to certify compliance with [§ 109\(h\)\(1\)](#) [12] on the petition, or request a waiver under [§ 109\(h\)\(3\)\(A\)](#) [12] on the petition and file a separate application for exemption and proposed order with the petition, or fails to file a request for determination by the court under [§ 109\(h\)\(4\)](#) [12] with the petition, the clerk must enter an order dismissing the case.

(2) **Certification of Eligibility for Exemption.** A debtor who requests a waiver under [§ 109\(h\)\(3\)\(A\)](#) [12] on the petition must also file with the petition a separate application for exemption and proposed order granting the application for exemption. The court may grant the application for exemption, set the application for exemption for hearing, or may deny the application for exemption without hearing. If the application for exemption is granted, the debtor must timely file a certification indicating compliance with the requirements of [§ 109\(h\)\(1\)](#) [12] or the clerk must enter an order of dismissal. If the application for exemption is denied, the clerk must enter an order of dismissal.

(3) **Section 109(h)(4) Hearing.** A debtor who timely files a request for determination by the court under [§ 109\(h\)\(4\)](#) [12] must set the matter for a hearing to be held within 40 days of filing the petition with notice pursuant to [Local Rule 2002-1](#) [13]. If the court does not determine that [§ 109\(h\)\(4\)](#) [12] is applicable within 40 days of the filing of the petition, or within such additional time as the court, for cause, determines, the clerk must enter an order of dismissal.

Source URL: <https://www.utb.uscourts.gov/local-rules/2013/1007/1?page=2>

Links

- [1] https://www.law.cornell.edu/rules/frbp/rule_2002
- [2] <https://www.utb.uscourts.gov/local-rules/2013/1007/1>
- [3] <https://www.law.cornell.edu/uscode/text/11/521>
- [4] <https://www.law.cornell.edu/uscode/text/11/1116>
- [5] https://www.law.cornell.edu/rules/frbp/rule_1007
- [6] https://www.law.cornell.edu/rules/frbp/rule_3015
- [7] <https://www.utb.uscourts.gov/local-rules/2013/2083/1>
- [8] <https://www.law.cornell.edu/uscode/text/11/507>
- [9] <https://www.law.cornell.edu/uscode/text/11/704>
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- [12] <https://www.law.cornell.edu/uscode/text/11/109>
- [13] <https://www.utb.uscourts.gov/local-rules/2013/2002/1>